

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	Case No. 2:12-cv-01282-JLR
Plaintiff,)	
)	STIPULATED MOTION FOR ONE-
v.)	MONTH EXTENSION TO FILE
)	METHODOLOGY
CITY OF SEATTLE,)	
)	NOTE ON MOTION CALENDAR:
Defendant.)	July 10, 2019
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The Court directed the City of Seattle (City) and the Department of Justice (DOJ) (collectively, “the parties”), with the assistance of the Community Police Commission (CPC) and the Monitor, to “formulate a methodology (1) for assessing the present accountability regime, and (2) for how the City proposes to achieve compliance” and to jointly file their methodology by July 15, 2019. Court’s 5/21/2019 Order at 13-14 (Dkt. 562). The City respectfully submits this stipulated motion for an order granting a one-month extension until August 15, 2019. DOJ has been consulted on the contents of this motion and joins in the request for additional time.

Accountability Methodology Ordered By the Court

The parties and the Monitor have a demonstrated history of collaborating on rigorous assessments of the Seattle Police Department (SPD). Together they have drafted, refined, and reached consensus on evidence-based methodologies for assessments of various aspects of SPD's operations. To assist with these assessments, the Monitor and the parties have regularly engaged and relied on nationally recognized subject matter experts.

The first ten assessments under the Consent Decree were conducted by the Monitor between 2015 and 2017. They were undertaken with the participation of DOJ and the City and, as noted above, with the assistance of numerous national subject matter experts. Based on the Monitor's findings, the Court determined on January 10, 2018, that the City had achieved full and effective compliance with the Consent Decree. Since then, in accordance with the Court-approved Sustainment Plan, the City has been working with the Monitor and DOJ to conduct a series of self-assessments that evaluate whether SPD has continued to maintain compliance.

This context is relevant to the Court's direction to submit a "methodology . . . for assessing the present accountability regime." Court's 5/21/2019 Order at 13-14. The parties will follow this demonstrated approach for designing and completing the assessment ordered by the Court and will seek the assistance of the CPC and the Monitor. A rigorous accountability assessment will provide valuable and objective information regarding a path forward and help formulate the most effective way to respond to the Court's Order.

The City's Progress to Date

Since the Court's May 21st Order, the City has worked to identify experts in police discipline, labor law and arbitration, organizational accountability, civilian oversight, and community policing to develop the methodology and undertake the assessment ordered by the

1 Court. In forming this team, the City incorporated input from the Monitor and DOJ. In addition, a
 2 work session is planned for July 18 with the parties, CPC, and the Monitor.

3 The City has identified experts affiliated with the consulting firm 21 CP Solutions, LLC,
 4 to assist in the assessment.¹ The City is confident that these experts will be able to conduct an
 5 assessment that is responsive to the Court and will increase public confidence in the accountability
 6 system. As an initial matter, the authors of the City's Accountability Ordinance cited to President
 7 Obama's White House Task Force on 21st Century Policing and its "comprehensive report in May
 8 2015 that identified best practices and included recommendations on how policing practices can
 9 promote crime reduction while building public trust." Preamble to Accountability Ordinance,
 10 § 1(I). The experts that the City is engaging served on the Task Force under President Obama and
 11 helped author the report; one of them, Ronald L. Davis, was its executive director.

12 The team is composed of five experts with complementary skills and backgrounds:

- 13 • Ronald L. Davis served in the Obama Administration as the Director of the Office of
 14 Community Oriented Policing Services of the U.S. Department of Justice. Mr. Davis was
 15 appointed by President Obama to be the Executive Director of the President's Task Force
 16 on 21st Century Policing. Mr. Davis previously served as chief of police of East Palo Alto,
 CA. He is a Visiting Senior Fellow in the Harvard Law School Criminal Justice Policy
 Program. Mr. Davis recently assisted the Illinois Attorney General in successfully
 negotiating a consent decree for police reform in Chicago.
- 17 • Sean Smoot is a labor attorney who served on the President's Task Force on 21st Century
 18 Policing and as a police and public safety policy advisor to the Obama-Biden Presidential
 19 Transition Team. He was a member of the Executive Session on Policing at Harvard
 University Kennedy School of Government. Mr. Smoot is the Director and Chief Counsel
 of the Police Benevolent & Protective Association of Illinois and the Police Benevolent
 Labor Committee.
- 20 • Darrel Stephens served over 50 years in policing from patrol officer to chief. His most
 21 recent chief position was in the Charlotte Mecklenburg Police Department, where he served

22 ¹ To ensure the integrity of the assessment, this team will be formally walled off from 21CP
 23 partners, advisors, and consultants who have ties to the City of Seattle.

from 1999 to 2008. Chief Stephens was elected as a Fellow of the National Academy of Public Administration. His paper on police discipline was published as part of the Harvard Kennedy School's New Perspectives in Policing series: <https://www.ncjrs.gov/pdffiles1/nij/234052.pdf>

- Charles Ramsey was previously the Commissioner of the Philadelphia Police Department. He served as Co-Chair of the President's Task Force on 21st Century Policing. Former Commissioner Ramsey is an expert in neighborhood-based policing strategies, and organizational accountability. He worked with the Anti-Defamation League and the United States Holocaust Memorial Museum to lead the creation of a course for police officers, Law Enforcement & Society: Lessons from the Holocaust.
- Walter Katz is currently the director of professional services with Benchmark Analytics. He has expertise in civilian oversight of police accountability systems, including broad work experience with many aspects of civilian oversight of law enforcement. Mr. Katz was a Deputy Inspector General for the County of Los Angeles Office of Inspector General. In 2015, the San Jose, California city council appointed him as the Independent Police Auditor where he led the oversight of police misconduct complaint investigations. Most recently, he served as Deputy Chief of Staff for Public Safety in Chicago where he provided oversight of the Civilian Office of Police Accountability, the Police Board, and the Chicago Police Department. Mr. Katz has served as a board member of the National Association for Civilian Oversight of Law Enforcement. Mr. Katz began his career with nearly 17 years as a public defender.

Over the past weeks, in an effort to achieve an inclusive and thoughtful process, the City has convened a series of conversations, meetings, and working sessions. These events had to accommodate the schedules of a large number of participants who are all critical to this process. Immediately after the Court's May 21st Order, the parties engaged in intensive discussions. In June, however, the long-planned absences of multiple key representatives from the City and DOJ complicated the process of scheduling stakeholder meetings and obtaining input to develop the methodology ordered by the Court.

In addition to regular conversations with DOJ and the Monitor, the City has taken these steps to comply with the Court's May 21st Order:

- June 17-19: The City held initial meetings to discuss the high-level concept of commissioning 21CP subject matter experts to develop a methodology and perform an independent, objective accountability assessment. This included meetings with the

Mayor's Office, the City Attorney, CPC co-chairs, the CPC Executive Director, OIG, and OPA.

- June 26-27: 21CP subject matter experts came to Seattle to begin work on developing a methodology that is responsive to the Court's direction and which also incorporates the priorities and perspectives of the parties, the Monitor, CPC, and the City's other accountability partners.² To inform their work, the Mayor's Office convened a series of meetings on June 26 and 27 among 21CP experts and internal City stakeholders, as well as meetings between the experts and the parties. Representatives of CPC, SPD, OIG, and OPA participated in these initial meetings.
- July 2: Telephone conference between Monitor and 21CP experts to discuss methodology.

Request for An Extension

Additional meetings, working sessions, and drafts have been scheduled in July and early August. The methodology that the parties submit to the Court will be informed and shaped by these conversations and exchanges. The City notes that CPC is an integral participant and so the timeline accommodates CPC's meeting schedule. CPC full commission meetings occur on the first and third Wednesdays of each month. Accordingly, the parties propose to proceed as follows:

- July 17: 21CP experts meet with CPC full commission regarding methodology.
- July 18: Half-day working session with experts, parties, Monitor, and CPC representatives. Input from OIG and OPA will also be sought during this process.
- July 29: City circulates to DOJ, MT, and CPC a draft, proposed methodology developed by the retained experts that incorporates the input of the parties, the Monitor, and CPC.
- July 30-August 7: 21CP experts work with the parties, Monitor, CPC, OIG, OPA, and other stakeholders to discuss draft, proposed methodology.
- August 7: Meeting of CPC full commission at which 21CP experts will be available to discuss draft, proposed methodology.
- August 8 or before: Monitor and CPC provide written comments and feedback on draft methodology.
- August 15: Parties jointly submit a proposed methodology to the Court.

² The contract for 21CP's engagement is attached to this motion as an exhibit.

1 The City will also be seeking input from other stakeholders and the community.

2 In order to ensure a robust and inclusive process, the parties, accordingly, would benefit
3 from additional time to submit the proposed methodology to the Court.

4 **CONCLUSION**

5 For the foregoing reasons, the parties stipulate to a one-month extension and the City
6 respectfully requests that the Court continue the July 15 filing deadline to August 15, 2019.

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8 DATED this 10th day of July, 2019.

9 For the CITY OF SEATTLE

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CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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DATED this 10th day of July, 2019, at Seattle, King County, Washington.

s/ Kerala T. Cowart
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Assistant City Attorney
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